

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Plaintiff,

v.

TOWNSTONE FINANCIAL, INC. AND
BARRY STURNER,

Defendants.

Case No. 1:20-cv-04176

Judge Franklin U. Valderrama
Magistrate Judge Heather K. McShain

**MOTION OF NATIONAL FAIR HOUSING ALLIANCE AND 13 ADDITIONAL
ORGANIZATIONS FOR LEAVE TO FILE A MEMORANDUM AS AMICI CURIAE
IN OPPOSITION TO JOINT MOTION FOR RELIEF FROM AND VACATUR OF
STIPULATED FINAL JUDGMENT AND ORDER**

Pursuant to Local Rule 5.6, movants National Fair Housing Alliance, Public Citizen, the American Civil Liberties Union, ACLU of Illinois, Better Markets, Chicago Lawyers' Committee for Civil Rights, Consumer Federation of America, Fair Housing Center of Central Indiana, HOPE Fair Housing Center, Metropolitan Milwaukee Fair Housing Council, National Association of Consumer Advocates, National Consumer Law Center, Open Communities, and South Suburban Housing Center respectfully seek this Court's leave to file a memorandum as amici curiae in opposition to the parties' joint motion for relief from and vacatur of the final judgment entered in this case. *See* ECF 145. The proposed amicus memorandum is being filed as an attachment to this motion, along with a proposed order.

Counsel for movants notified counsel for the parties of the intent to file this motion. Counsel for Defendants responded that they oppose the motion. Counsel for Plaintiff responded that the CFPB takes no position.

DISCUSSION

This Court has broad discretion whether to permit amicus briefs. *Chamberlain Group, Inc. v. Interlogix, Inc.*, 2004 WL 1197258, at *1 (N.D. Ill. May 28, 2004), and accepts them when “the amicus has a unique perspective or specific information that can assist the court beyond what the parties can provide.” *Id.* (quoting *Voices for Choices v. Illinois Bell Telephone Co.*, 339 F.3d 542, 545 (7th Cir. 2003)). Here, where the parties jointly seek vacatur and no other party before this Court is taking an adversarial position on the pending motion, movants seek to offer information and legal argument that the Court will not otherwise receive from the parties. In addition, movants’ status as fair housing, consumer advocacy, and civil rights organizations allows them to offer the Court a perspective on the harms to consumers, discrimination victims, and the public interest otherwise lacking in the parties’ presentation of the issues.

INTERESTS OF MOVANTS

Movants are concerned that the parties’ joint motion, which seeks vacatur of a final judgment and order, is an improper use of Rule 60(b)(6) that poses risks both to the orderly conduct of litigation and to the consumer-protection and anti-discrimination interests of the organizations and people on whose behalf they work. Some of the amici also submitted an amicus brief in the Seventh Circuit Court of Appeals in this case.

National Fair Housing Alliance (NFHA) is a national organization dedicated to ending discrimination and ensuring equal opportunity in housing for all people. Founded in 1988, NFHA is a consortium of over 200 private, nonprofit fair housing organizations, state and local civil rights

agencies, and individuals. NFHA strives to eliminate all forms of housing and lending discrimination and ensure equal housing opportunities through its community development, education and outreach, responsible AI, member services, public policy and advocacy, consulting and compliance, and enforcement initiatives. Relying on the Equal Credit Opportunity Act and other civil rights laws, NFHA undertakes enforcement initiatives in cities and states across the country

Public Citizen, founded in 1971, is a nonprofit organization with members in all 50 states. Public Citizen appears before Congress, administrative agencies, and courts to advocate strong consumer financial protections and government accountability. Through amicus briefs and regulatory comments, Public Citizen has supported regulatory and enforcement initiatives that the CFPB has undertaken since its creation.

The American Civil Liberties Union (ACLU) is a nationwide, non-partisan organization with nearly two million members and supporters dedicated to the principles of liberty and equality embodied in the United States Constitution. The ACLU works to promote and safeguard individuals' civil rights and civil liberties, including the right of every individual to access housing and credit free of discrimination on the basis of race, color, religion, gender, sexual orientation, gender identity or expression, national origin, familial or marital status, status as a recipient of public assistance, or record of arrest or conviction.

The ACLU of Illinois is a nonpartisan, nonprofit organization dedicated to protecting the liberties guaranteed by the U.S. Constitution, the Illinois Constitution, and state/federal human rights laws. The ACLU of Illinois accomplishes its goals through litigating, lobbying, and educating the public on a broad array of civil rights issues.

Better Markets is a nonprofit, nonpartisan organization that promotes investor protection, systemic stability, and transparency in our financial markets through comment letters, research, amicus briefs, and congressional testimony. Much of Better Markets' work focuses specifically on the need for strong enforcement of consumer and investor protection laws, including those administered by the CFPB that prohibit race discrimination in lending.

Chicago Lawyers' Committee for Civil Rights (CLCCR) is a group of civil rights lawyers and advocates working to secure racial equity and economic opportunity for all. CLCCR's mission is to root out and dismantle deeply entrenched systems of discrimination, racism, and economic oppression. Through its Equitable Community Development and Housing practice, CLCCR engages in litigation and advocacy through administrative and regulatory processes.

Consumer Federation of America (CFA) is an association of non-profit consumer organizations with more than 200 members nationwide. Established in 1968, CFA works to advance pro-consumer policies through policy, research, and advocacy. CFA advocates for equitable policies that ensure all individuals, regardless of race, income, or background, have access to fair financial services and housing, and are protected from predatory practices. By holding policymakers and corporations accountable, CFA helps to combat systemic discrimination and promote economic justice for underserved communities.

Fair Housing Center of Central Indiana (FHCCI) is a private, nonprofit organization that works to facilitate open housing for all people by ensuring the availability of affordable and accessible housing; promoting housing choice and homeownership; advocating for an inclusive housing market; working toward stable and equitable communities; and eradicating discrimination within Central Indiana, the State of Indiana, and nationally. FHCCI offers four main programs to

fight housing discrimination and promote equal housing opportunity in Central Indiana: Advocacy, Education, Inclusive Communities, and Public Policy.

HOPE Fair Housing Center (HOPE) is a nonprofit organization dedicated to eliminating housing discrimination across Illinois since 1968. HOPE works to create greater housing opportunities and choice for all. Its mission is to ensure everyone has the chance to live in the community, home, or apartment of their choice, free from discrimination. HOPE accomplishes this through education, outreach, enforcement, training, and advocacy.

Metropolitan Milwaukee Fair Housing Council (MMFHC) is a private, nonprofit organization that operates a full-service housing program. Its purpose is to promote fair housing throughout the State of Wisconsin by combating illegal housing discrimination and by creating and maintaining racially and economically integrated housing patterns. MMFHC's programs and services include case intake and counseling, investigative services, outreach and education, professional support to government agencies, and fair lending and inclusive communities programs.

The National Association of Consumer Advocates (NACA) is a nonprofit corporation whose members are private and public sector attorneys, legal services attorneys, and law professors and students whose primary practice or area of study involves the protection and representation of consumers. NACA's mission is to promote justice for all consumers by maintaining a forum for information sharing among consumer advocates across the country and to serve as a voice for its members and consumers in the ongoing struggle to curb unfair and oppressive business practices.

National Consumer Law Center (NCLC) is recognized nationally as an expert in consumer credit and fair lending issues. For more than 50 years, NCLC has drawn on this expertise to provide information, legal research, policy analyses, and market insights to federal and state legislatures,

administrative agencies, and the courts. A focus of NCLC's work is increasing public awareness of the pernicious effects of discrimination in the lending markets. NCLC frequently appears as amicus curiae in consumer law cases before trial and appellate courts throughout the country.

Open Communities is a nonprofit organization that works to eradicate housing discrimination and unjust practices that perpetuate segregation and inequity. It fosters thriving, inclusive communities through fair housing enforcement, housing counseling, education, outreach, and advocacy.

South Suburban Housing Center (SSHC) is a regional fair housing and comprehensive housing counseling agency primarily serving majority-Black communities in the south suburbs of Chicago, including Markham, a suburb pertinent to this case. SSHC operates a host of fair housing enforcement, housing counseling, and education and outreach programs.

CONCLUSION

For the foregoing reasons, the motion for leave to file a memorandum as amici curiae should be granted.

April 4, 2025

Respectfully submitted,

/s/ Joshua Karsh

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 4, 2025, I electronically filed the foregoing document with the Clerk of the Court via the CM/ECF system, which will cause a copy to be served upon counsel of record.

/s/ Joshua Karsh
Joshua Karsh